

F I L E D

Clerk of the Superior Court

MAR 13 2009

By: K SANDOVAL, Deputy

**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO**

PEOPLE OF THE STATE OF
CALIFORNIA, ex rel. Edmund G.
Brown, Jr., Attorney General of the
State of California,

Plaintiff,

v.

R.J. REYNOLDS TOBACCO
COMPANY, a New Jersey
corporation,

Defendant.

CASE NO. JCCP NO. 4041

**ORDER FOLLOWING STATUS
CONFERENCE ON STATEMENT OF
DECISION; STIPULATION**

Date: March 10, 2009
Time: 2:00 p.m.
Dept.: 71
Judge: Hon. Ronald S. Prager

On March 10, 2009, the Court held a telephonic status conference at the request of the People of the State of California ("State") regarding certain procedural issues in this case. Deputy Attorneys General Jeanne Finberg and Shari Posner appeared for the State. Robert C. Wright of Wright & L'Estrange and William T. Plesec of Jones Day appeared for R.J. Reynolds Tobacco Company ("Reynolds").

During the conference, the State raised the issue of whether, as the State contends, the Court's February 25, 2009 Statement of Decision is a final order resolving the case or, as Reynolds contends, it is a tentative statement of decision. The parties disagree as to who is the prevailing party in the case, if any, and stipulate to extend the time for filing and serving cost memoranda and motions to

ORDER FOLLOWING STATUS CONFERENCE ON STATEMENT OF DECISION; STIPULATION

1 strike or tax costs and to extend the time for filing and serving motions to claim
2 attorneys' fees.

3 The Court orders the following briefing schedule and approves the stipulation
4 of the parties as follows:

5 1. On or before March 18, 2009, Reynolds will serve and file a brief
6 setting forth the reasons for application of Code of Civil Procedure sections 632 and
7 634 to the Court's February 25, 2009 Statement of Decision.

8 2. On or before April 10, 2009, the State will file and serve a brief
9 responding to the procedural points raised by Reynolds and, alternatively, if the
10 Court determines that Reynolds' position is procedurally correct, the State will also
11 respond substantively to Reynolds' Request for Statement of Decision, Specification
12 of Controverted Issues, and Proposal as to Content of Statement of Decision and
13 Request for Judicial Notice dated March 9, 2009, and make any objections and
14 proposals they have as to the content of the Court's Statement of Decision.

15 3. On April 15, 2009, Reynolds will file and serve a brief responding to
16 any new objections and proposals filed by the People.

17 4. On April 20, 2009, at 10:00 a.m., the Court will conduct a hearing to
18 resolve the foregoing issues.

19 5. The parties stipulate, and it is ordered, that the time for filing and
20 serving of memoranda of costs by any party shall be extended to at least fifteen (15)
21 days after the date the Court renders an order resolving the issues set forth in this
22 Order.

23 6. The parties stipulate, and it is ordered, that the time for noticing a
24 motion to claim attorneys' fees for services by any party, for the period up to and
25 including the rendition of final order or judgment in the trial court, shall be extended
26 to at least sixty (60) days after the date the Court renders an order resolving the

27

28

1 issues set forth in this Order, but no later than 120 days from the final appealable
2 order in this case.

3
4 Dated: MAR 13 2009



Hon. Ronald S. Prager
Judge of the Superior Court

5
6
7 STIPULATED AS TO FORM AND CONTENT:

8
9 STATE OF CALIFORNIA
10 Attorneys for Plaintiff

11 By 
12 Jeanne Finberg
13 Deputy Attorney General

14 WRIGHT & L'ESTRANGE
15 Attorneys for Defendant
16 R.J. Reynolds Tobacco Company

17 By 
18 Robert C. Wright